

DIRECTIVE

WORKFORCE INVESTMENT ACT

Number: WIAD00-9

Date: May 21, 2001
69:50:va:4579

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: SECOND-YEAR LOCAL PLAN MODIFICATIONS **(INACTIVE)**

EXECUTIVE SUMMARY:

Purpose:

The purpose of this directive is to provide instructions and revised forms for submittal of the second-year modification of the Local Workforce Investment Area (LWIA) Strategic Five-Year Local Plans.

Scope:

This directive applies to all LWIAs.

Effective Date:

This directive is effective on the date of its issuance.

REFERENCES:

- Workforce Investment Act (WIA) Section 118
- Title 20 of the Code of Federal Regulations (CFR) 661.355
- WIA Information Bulletin WIAB99-2, WIA Initial Local Planning Guidance, December 14, 1999
- Supplemental Local Planning Guidance, letter from the California Workforce Investment Board (CWIB), February 25, 2000
- Supplemental Local Planning Guidance, letter to Chief Elected Officials from the CWIB, June 9, 2000
- Second Supplemental Local Planning Guidance, letter from the CWIB, June 13, 2000
- WIA Information Bulletin WIAB00-1, Changes to WIA Supplemental Planning Guidance, July 7, 2000

- Changes to Workforce Investment Act (WIA) Supplemental Planning Guidance, letter from the CWIB, July 27, 2000
- WIA Information Bulletin WIAB00-17, WIA Supplemental Planning Instructions Changes, August 11, 2000

STATE-IMPOSED REQUIREMENTS:

This directive contains some State-imposed requirements, which are indicated in ***bold, italic type***.

FILING INSTRUCTIONS:

This directive finalizes Draft Directive WIADD-12 issued for comment on April 26, 2001. Retain this directive until it is rescinded.

BACKGROUND:

The initial plans were submitted pursuant to instructions in WIA Information Bulletin WIAB99-2 and several issuances of supplemental guidance (see References, above). Title 20 of the Code of Federal Regulations (20 CFR) Part 661.355 states that the Governor must establish procedures governing the modification of local plans. Situations in which modifications may be required by the Governor include: significant changes in local economic conditions, changes in the financing available to support WIA Title I and partner-provided WIA services, changes to the Local Workforce Investment Board (Local Board) structure, or a need to revise strategies to meet performance goals.

POLICY AND PROCEDURES:

This directive includes as an attachment the *WIA Second-Year Local Plan Modification Instructions and Forms* that includes the following:

- Second-year forms completion instructions
- A revised Local Plan Table of Contents page which allows you to indicate revisions
- A revised Signature Page for the second-year modification
- Required second-year budget plan summaries and a participant plan summary
- A revised Local Performance Indicators and Goals Chart

These may be accessed at www.edd.ca.gov/wiaricp.htm. If you need to make changes to any of the narrative portions submitted with your initial plan, you may access the appropriate forms at the same Web site.

The local plans must be modified to include the following elements, as applicable:

Remaining Elements From Initial Plans

Some initial local plans may be missing some required elements. For example, not all of the local areas had submitted all of their fully executed Memorandums of Understanding (MOU). One of the elements required in the MOUs, per WIA Section 121(c)(2)(A)(ii), is “how the costs of such services and the operating costs of the system will be funded.” The State approved those MOUs that indicated that cost-sharing arrangements would be developed. In addition, some of the MOUs did not include specific information about referral methods. As a requirement of WIA Section 121(c)(2)(iii), local area MOUs shall contain provisions describing the “methods for referral of individuals between the one-stop operator and the one-stop partners, for the appropriate services and activities.” Local areas must attach fully executed MOUs not submitted with the initial plan, from all required partners that describe the cost-sharing arrangements and methods of referral, as well as the other required elements in Section 121. ***If there is more than a single one-stop in the local area, the MOUs must address the cost-sharing arrangements and other requirements in Section 121(c) regarding all of the one-stops, including descriptions of any differences or unique arrangements regarding the various sites. If cost sharing arrangements are not included as part of the MOU but are contained in another document (e.g., a lease agreement), provide a copy of that document with the MOU. The MOUs that were submitted with the initial plan and have since been revised must also be attached. If any MOUs are not yet negotiated, these must be identified and a description of ongoing efforts and/or problems in finalizing the memorandum(s) must be provided in a revised narrative under Part V, One-Stop Service Delivery System, Item R of the plan narrative. Please indicate projected dates of full execution. Local areas should add any other applicable revisions to the discussion under this item.***

The WIA Section 118(b)(2)(A) requires a description of how the Local Board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meet the employment needs of local employers and participants. Some of the initial plans did not include this description. ***If your initial plan did not include this discussion, please submit a revised Part V, Local One-Stop Service Delivery System, Item A of your plan narrative, to include this description.***

Work with your regional advisor to identify other items required in the initial and/or supplemental planning guidance which may not have been included, and submit them in your plan modification.

Elements Not Addressed in Initial or Supplemental Planning Guidance

Per WIA Section 118(a), local plans must be consistent with the State plan. On February 12, 2001, California received approval from the Department of Labor (DOL) of an amendment to the California Strategic Five-Year Plan that added three required items. These included discussions of: California’s vision, goals, and objectives; the

State's capacity building strategic plan; and comprehensive youth services. These are contained in Addendum 3 to the California plan, which may be accessed at www.calwia.org/pdf_reference/state_plan.pdf. Compare the additional items in Addendum 3 with your local plan descriptions and, if needed, revise your local plans as appropriate to ensure that they are consistent with the State plan. It is not necessary to respond to each of the California goals and objectives. Local areas should examine the Addendum 3 document and assess whether anything in their local plans conflicts with the goals and objectives, or perhaps may not be fully addressed in their local plans. Since many of the local areas were still in the process of establishing their youth councils and defining their roles when the initial plans were submitted, they may need to add a discussion regarding this. If this is applicable for your area, provide a discussion about the establishment and roles of your youth council in a revision to Part VI, Youth Activities, Item A of your plan narrative.

Significant Changes

Title 20 CFR Part 661.355 provides examples of situations for which the Governor may require the modification of the local plan. These include: significant changes in local economic conditions, changes in the financing available to support WIA Title I and partner-provided WIA services, changes to the Local Board structure, or a need to revise strategies to meet performance goals. ***It is required that the local plans be modified to include any of the changes referenced in 20 CFR Part 661.355.*** All local areas will have changes in available financing to support Title I services, i.e., the second-year allocations. Changes in the Local Board structure does not refer to Local Board membership changes, but rather to changes in the number and types of membership categories and other such changes. No structural changes can be made which would eliminate any of the required categories, or reduce private sector majority. However, local areas may add additional membership categories.

Second-Year Forms

The budget plan summaries, participant plan summary, and the local performance indicator and goals chart have been revised for the second year. Budget plan forms were designed to provide quarterly expenditure planning for the two-year life of the funds. If first-year expenditure plans have changed (for example, due to a slow startup), they must be revised accordingly. In addition, a separate set of forms has been created regarding expenditure plans for unspent Job Training Partnership Act (JTPA) funds that have been modified into the local subgrant agreements. Pending approval by the Governor, second-year WIA allocation amounts will be forwarded under a separate cover. Negotiated second-year local performance goals also will be forwarded under a separate cover. ***Local areas must complete all the second-year forms referenced above.*** Guidance regarding completion of the second-year forms is attached.

Format

In addition to the narrative pages, a complete package of second-year forms may be downloaded at www.edd.ca.gov/wiaricp.htm. Included for the second year, you will find

a revised Local Plan Table of Contents that has columns for indicating which plan parts have been revised. ***Only those items that are new (e.g., second-year budget forms and participant plan), those items that were not submitted with the initial plan, and those items that require changes must be included in the modification. All modifications must include Attachments one through three, and Attachments four through six if applicable (see the Local Plan Table of Contents form for a list of the attachments). Any revised or new MOUs (Attachment 4) that were not submitted with the initial plan must be attached to the modification. For a further discussion of MOU requirements for the modification, see "Remaining Elements From Initial Plans," above. Please annotate each revised page submitted with a revision date in the lower right corner of the page (e.g., "Rev. 5/31/01"). Please arrange the modification in the order indicated on the Local Plan Table of Contents.***

Public Comment, Signatures, Due Date

Plan modifications must be made available to the public through such means as public hearings and local news media. Members of the Local Board and members of the public, including representatives of business and labor organizations, must be allowed to submit comments on the proposed modification to the Local Board, not later than the end of the 30-day period beginning on the date on which the proposed modification is made available. The Local Board and the Chief Elected Official (CEO) must approve the modification.

The modification to the plan is due to the State no later than August 31, 2001. Six copies are required, at least one of which must contain the original signatures of the Local Board and the CEO. If local areas are unable to obtain the approval of both the Local Board and the CEO by the due date (e.g., due to scheduling of their respective board meetings), they must submit at least one copy of the unsigned document by the due date and provide an explanation of when the signed original and copies will be forwarded.

In order to ensure the timely receipt of funds after approval of the second-year modification, local areas should ensure that their resolution of grant recipient signatory authority is current. For example, if a specific individual was authorized to sign the subgrant, and that individual is no longer in place, a new resolution would be required. Another example would be if the original resolution stipulated only the initial year, then a new resolution would be required. It is preferable that resolutions designate signatory authority by position title(s) (e.g., the Chairperson or Vice Chairperson of the Board of Supervisors). In addition, it is preferable that resolutions be broad-based and inclusive. For example, "The Chairperson or Vice-Chairperson of the Board of Supervisors is authorized to sign all subgrants, plans, contracts, other agreements, and modifications thereto, regarding the receipt and use of funds under the Workforce Investment Act." Local areas may wish to add signatory authority for other documents, such as those relating to the Welfare-to-Work Grant Program and other federal and State programs. Finally, it is preferable that resolutions be open ended, i.e., have no specific period or ending date unless amended or rescinded. ***If the local area does not have a grant recipient signatory authority resolution that is current, and they wish to draw***

down funds effective July 1, 2001, one must be submitted by July 1, 2001. Funds cannot be released without a current signatory authorization.

ACTION:

Bring this directive to the attention of all relevant parties. Complete the plan modification according to the instructions in this directive. Submit the modification no later than August 31, 2001, to:

Mail: Program Section
 Workforce Investment Division, MIC 69-1
 Employment Development Department
 P.O. Box 826880
 Sacramento, CA 94280-001

Hand Deliver: Program Section
 Workforce Investment Division, MIC 69-1
 Employment Development Department
 750 N Street
 Sacramento, CA 95814

INQUIRIES:

If you have any questions, please contact your regional advisor at (916) 653-6347.

/S/ BILL BURKE
Chief

Attachment is available on the Internet:

[WIA Second-Year Local Plan Modification Instructions and Forms](#)